

**In the United States District Court
for the Southern District of Texas
Houston Division**

**United States of America ex rels.
Lisa Powell and Marybel Picazo,
Plaintiffs**

v.

**Dr. Lubor Jarolimek and Orthopedic Care
Center,
Defendants**

Civil Action No. 4:16-cv-01419

The Parties' Joint Status Report

Relators Lisa Powell and Marybel Picazo and Defendants Lubor Jarolimek, M.D., and Orthopedic Care Center hereby submit this Joint Status Report.

1. As previously reported, the parties continue settlement negotiations, but have not reached a settlement to date.

2. In furtherance of the settlement negotiations and the preparation of this matter for trial (should this case not settle), Relators have requested complete patient files. Relators believe that they need this information to fully evaluate and hopefully settle the claims herein. Relators also believe that both the Government and the Court will require this material in order to evaluate and hopefully approve any proposed settlement herein.

3. As the Court may recall, while Defendant Orthopedic Care Center's electronic back-up transcription records were produced for only certain patients, Defendants have stated that they are unable to produce the balance of such patients' files due to water damage from Hurricane Harvey. Accordingly, Relators are seeking complete patient records directly from Medicare by way of a third-party subpoena for same.

4. In order to facilitate this third-party production of patient files, the Court entered confidentiality and protective Orders containing certain language required by Centers for Medicare and Medicaid Services (“CMS”). And Relators immediately forwarded the signed Orders to CMS.

5. Thereafter, counsel for CMS requested certain additional information such as verification of the categories of requested documents and the applicable time frames for production, and counsel for Relators have worked with counsel for CMS to confirm and provide the requested information.

6. Although documents have not yet been produced, counsel for Relators understands that counsel for CMS is coordinating with the various governmental departments to retrieve and produce the requested information.

For these reasons, Relators respectfully request that the Court continue to allow time for the completion of this discovery. Further, Relators request that the Court set a new deadline to report the status of settlement negotiations and discovery for May 30, 2021. Defendants seek finality and closure of this matter and request the opportunity to file a dispositive motion as to this matter and/or to have a trial date set. And finally, the parties request all other relief to which they are justly entitled.

Respectfully submitted,

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Certificate of Service

I hereby certify that on April 30, 2021, a true and correct copy of the foregoing has been served *via* the Court's ECF System and via email as follows:

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